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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,006	10/31/2003	Takashi Nozaki	SHO-0028	8248

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EXAMINER	
HOEL, MATTHEW D	

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/697,006	NOZAKI ET AL.	
	Examiner	Art Unit	
	Matthew D. Hoel	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☒ Claim(s) *1-5* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 August 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *8/24/04, 10/6/04*; 5-19-05
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1 to 6 are objected to because of the following informalities: The claims recite "game control means," "backup means," "backup restoration means," "game control means," "backup restoration notifying means," "backup restoration notifying control means," "internal winning combination determination means," "game start instruction means," "game result display control means," and "symbol display means." While this is not improper per se, it is at first glance confusing to the reader. The language is not means-plus-step language, as provided for in 35 U.S.C. 112, 6th paragraph, because "means for" or "step for" are not recited, and the claim language does not meet the three-prong test. Appropriate correction is required.

2. Claims 1 to 3 are objected to because of the following informalities: The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with idiomatic errors. The claims are not grammatically incorrect, but they are not in standard written English, and the examiner was only able to clearly discern the first three claims. The first three claims are not rejected, as the examiner could clearly understand them in spite of the awkward language. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

4. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner believes that the applicants are citing that the backup means causes a winning combination to be displayed on the display after power is restored in the event that a winning combination was obtained before power was lost, but this is not certain given the awkward wording of the claim. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with idiomatic errors. The claims are not grammatically incorrect, but they are not in standard written English, and the examiner was only able to clearly discern the first three claims. Appropriate correction is required.

6. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Based on the examiner's familiarity with Aruze Corp.'s other pending applications, the examiner believes the applicants intended to cite a transparent display (EL or LCD, for example) situated in front of mechanical reels on a slot machine, as in application 10/697,086, but this is not completely clear from the language of the claims. Appropriate correction is required.

7. As to Claim 6: Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner believes that the applicants

intended to cite that the transparent display situated in front of the mechanical reels would be able to display a winning combination other than the winning combination stored in the backup means in the event that another winning combination has occurred since the last power interruption. Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

9. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

11. Determining the scope and contents of the prior art.
12. Ascertaining the differences between the prior art and the claims at issue.
13. Resolving the level of ordinary skill in the pertinent art.
14. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 1 to 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amanai (U.S. patent 5,273,294 A) in view of Pascal, et al. (U.S. patent 5,971,851 A).

16. As to Claim 1: Amanai in '294 discloses all of the elements of Claim 1, but lacks specificity as to a backup restoration notifying means and a backup restoration control means. '294 teaches a game machine comprising a game control means for controlling

a game (Abst., Fig. 1). '294 also teaches a backup means capable of storing information concerning the game substantially at the same time the gaming machine is powered off (Col. 2, Line 47 to Col. 3, Line 12). The backup restoration means of '294 restores the gaming machine to a state in which the game control means is able to control the game based on the information stored in the backup means when the device is powered back on (Col. 7, Lines 2 to 14). Pascal, however, in '851 teaches a notifying means (display 28, Fig. 1) and a notifying control means (Fig. 7, stoppage explained and entertainment played for the player until the stoppage is cleared; Col. 8, Lines 42 to 60). It would be obvious to one of ordinary skill in the art to apply the notifying means and notifying control means of '851 to the backup means of '294. '851 can be used in a gaming machine (Col. 2, Lines 22 to 24), like '294 (Abst.). '851 saves the memory of the gaming machine so that game play can begin where it left off in the event of an interruption in game play (Col. 2, Lines 13 to 24; Col. 8, Lines 21 to 40). An accidental power interruption like that described in '294 is certainly an interruption in game play, like '851 is intended for. The play stoppage application of '851 could be powered by the backup battery of '294 (Abst.) until the power interruption is resolved. This combination would yield a backup restoration notifying means (display driven by play stoppage application) and a backup restoration notifying control means (play stoppage application in the event of a power interruption). The advantage of this combination would be to retain players' interest in the game until the power interruption can be resolved, thereby preventing lost revenue to the house caused by the players abandoning the gaming machine ('851, Col. 1, Lines 18 to 20).

17. As to Claim 2: As '294 is a gaming machine, it is inherent that it would have an internal winning combination determination means (a paytable) for determining an internal winning combination. '294 has a game result display control means (image processing unit 27, Fig. 1) and a game result display (picture display 28, Fig. 1). It is inherent that the combination of '294 and '851 would display a winning combination of symbols on the display after the winning combination of symbols is recovered from the backup means in the event of a power failure.

18. As to Claim 3: The play stoppage application of '851 does not display any information on the display when the paytable determines a winning combination and causes the winning combination to be displayed. The play stoppage application only displays an explanation of the interruption and entertainment to keep the player's attention while there is an interruption (Fig. 7; Col. 2, Lines 13 to 24; Col. 8, Lines 41 to 60).

19. As to Claim 4: As '294 is a gaming machine, it is inherent that it would have an internal winning combination determination means (a paytable) for determining an internal winning combination. '294 has a game result display control means (image processing unit 27, Fig. 1) and a game result display (picture display 28, Fig. 1). It is inherent that the combination of '294 and '851 would display a winning combination of symbols on the display after the winning combination of symbols is recovered from the backup means in the event of a power failure.

20. As to Claim 6: it is inherent that the combination of '294 and '851 would be able to display a winning combination other than the winning combination stored in the

backup means in the event that another winning combination has occurred since the last power interruption.

21. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amanai ('294) and Pascal ('851) in view of Ozaki, et al. (U.S. pre-grant publication 2001/0031658 A1, application 09/793,720).

22. As to Claim 5: The combination of Amanai ('294) and Pascal ('851) discloses all of the elements of Claim 5, but lacks specificity as to a backup restoration notifying means arranged in front of the symbol display means when seen from the front of the gaming machine. Ozaki, however, in '658 teaches transparent electroluminescent (EL) screens (notifying means) in front of each of the mechanical reels (symbol display means) on a slot machine (Abst., Figs. 1 to 3). It would be obvious to one of ordinary skill in the art to apply the notifying means of '658 to the combination of '294 and '851. This notifying means is referred to as a front side display in '658, which discloses that a transparent LCD can be used in place of a transparent EL display (Para. 137). '658 can be used in gaming machines, like the systems of '294 and '851. The display of '294 can be an LCD (Col. 1, Lines 23 to 24). An LCD display draws little power, and could be powered for a relatively long time from the battery of '294 until power was restored. This combination would yield a backup restoration notifying means situated in front of the symbol display means that would display a play stoppage application to inform the game user of the power failure and retain his or her interest in the game until power was restored. The advantage of this combination would be to have a backup symbol

restoration notifying means that would retain the user's interest in the game and be able to remain powered for a long time in the event of a power interruption, minimizing losses to the house from players losing interest in a game.

Citation of Pertinent Prior Art

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fullerton in U.S. patent 4,607,844 A teaches a poker machine with security after a power failure. Jones, et al. in U.S. patent 4,782,468 A teach a line power failure scheme for a gaming device. Pease, et al. in U.S. patent 4,948,138 A teach maintaining game state upon power failure. Giobbi, et al. in U.S. pre-grant publication 2001/0046893 A1, application 09/891,010, and U.S. patent 6,800,027 A teach saving the status of a paused game. Williams in U.S. pre-grant publication 2003/0190949 A1, application 10/115,532 teaches a gaming apparatus with a power-saving feature. Stockdale, et al. in U.S. patent 6,804,763 A teach a battery-backed RAM interface.

Conclusion

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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AU 3713

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TC3700